



Senate

General Assembly

File No. 10

January Session, 2003

Substitute Senate Bill No. 378

Senate, March 10, 2003

The Committee on Labor and Public Employees reported through SEN. PRAGUE of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EMPLOYEE ACCESS TO ELECTRONICALLY RECORDED PERSONNEL FILES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (3) of section 31-128a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (3) "Personnel file" means papers, documents and reports, including
5 electronic mail and facsimiles, pertaining to a particular employee
6 [which] that are used or have been used by an employer to determine
7 such employee's eligibility for employment, promotion, additional
8 compensation, transfer, termination, disciplinary or other adverse
9 personnel action including employee evaluations or reports relating to
10 such employee's character, credit and work habits. "Personnel file"
11 does not mean stock option or management bonus plan records,
12 medical records, letters of reference or recommendations from third

13 parties including former employers, materials [which] that are used by
14 the employer to plan for future operations, information contained in
15 separately maintained security files, test information, the disclosure of
16 which would invalidate the test, or documents which are being
17 developed or prepared for use in civil, criminal or grievance
18 procedures.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

LAB *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The Department of Labor's Workplace Standards Unit receives complaints filed by employees regarding personnel files. As a result of extending the definition of personnel files to include electronic mail and facsimiles, it is anticipated that the unit's workload will not be impacted to the extent that additional resources would be necessary. Therefore, no additional cost will be incurred by the department as a result of this bill.

OLR Bill Analysis

sSB 378

***AN ACT CONCERNING EMPLOYEE ACCESS TO
ELECTRONICALLY RECORDED PERSONNEL FILES*****SUMMARY:**

This bill adds electronic mail and facsimiles to the documents a private employer must keep in an employee's personnel file. By law, if an employer keeps personnel files, an employee's file must contain papers, documents, and reports that are, or once were, used by the employer to determine the employee's eligibility for employment, promotion, additional compensation, transfer, termination, disciplinary, or other adverse personnel action, including employee evaluations or reports relating to the employee's character, credit, and work habits. By law, employers must allow an employee, upon written request, to inspect his own personnel file.

EFFECTIVE DATE: October 1, 2003

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable Substitute

Yea 12 Nay 0